

<b>IN THE UNITED STATES PATENT AND TRADEMARK OFFICE</b>	<i>Application Number</i>	09/438,392
	<i>Filing Date</i>	12 November 1999
	<i>First Named Inventor</i>	Takashi AOYAMA
	<i>Group Art Unit</i>	1635
	<i>Examiner Name</i>	Jane Zara
	<i>Attorney Docket Number</i>	2312-105
<i>Title of the Invention: CHEMICAL INDUCIBLE PROMOTER USED TO OBTAIN TRANSGENIC PLANTS WITH A SILENT MARKER</i>		

### RESPONSE TO OFFICE ACTION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

#### *INTRODUCTORY COMMENTS*

In response to the Office Action mailed 10 February 2003, Applicants submit the following remarks and respectfully request reconsideration and withdrawal of the pending rejection of the claims.

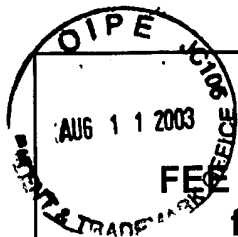
**Remarks** begin on page 2 of this paper.

**RECEIVED**  
AUG 18 2003  
TECH CENTER 1600/2900

08/13/2003 WASFAW1 00000124 09438392

01 FC:2253

465.00 OP



**FEE TRANSMITTAL**  
**for FY 2003**  
**(Small Entity)**

Complete if Known

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Filing Date	12 November 1999
First Named Inventor	Takashi AOYAMA
Examiner Name	Jane Zara
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Total Amount of Payment (\$ ) 465.00

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**METHOD OF PAYMENT (check one)**

1. ☒ The Commissioner is hereby authorized to charge additional fees and credit any overpayment to Deposit Account Number 02-2135 in the name of Rothwell, Figg, Ernst & Manbeck

☒ Charge any Additional Fee Required Under 37 CFR 1.16 and 1.17

☒ Applicant claims small entity status.

2. ☒ Payment Enclosed:

☒ Check

☐ Credit Card

**FEE CALCULATION**

**1. FILING FEE**

Fee Code	Fee \$	Fee Description	Fee Paid
2001	375	Utility filing fee	[ ]
2002	165	Design Filing Fee	[ ]
2003	260	Plant Filing Fee	[ ]
2004	375	Reissue Filing Fee	[ ]
2005	80	Provisional Filing Fee	[ ]

**SUBTOTAL \$**

**2. CLAIMS**

Total Claims	Independent Claims	Multiple Dependent Claims	Extra Claims	Fee	Fee Paid
[ ]	[ ]	[ ]	- 20** = [ ] x	\$ 9 = [ ]	[ ]
[ ]	[ ]	[ ]	- 3** = [ ] x	42 = [ ]	[ ]
[ ]	[ ]	[ ]	+ = [ ]	140 = [ ]	[ ]

\*\*or number previously paid, if greater;

**SUBTOTAL \$**

**FEE CALCULATION (continued)**

**3. ADDITIONAL FEES**

Fee Code	Fee Paid	Fee Description	Fee Paid
2051	65	Surcharge - late filing fee or oath	[ ]
2052	25	Surcharge - late provisional filing fee or cover sheet	[ ]
1053	130	Non-English specification	[ ]
1812	2,520	For filing a request for reexamination	[ ]
1804	920	Requesting publication of SIR prior to Examiner action	[ ]
1805	1,840*	Requesting publication of SIR after Examiner action	[ ]
2251	55	Extension for reply within first month	[ ]
2252	205	Extension for reply within second month	[ ]
2253	465	Extension for reply within third month	[465.00]
2254	725	Extension for reply within fourth month	[ ]
2255	985	Extension for reply within fifth month	[ ]
2401	160	Notice of Appeal	[ ]
2402	160	Filing a brief in support of an appeal	[ ]
2403	150	Request for Oral Hearing	[ ]
1451	1,510	Petition to institute a public use proceeding	[ ]
2452	55	Petition to revive -unavoidable	[ ]
2453	650	Petition to revive - unintentional	[ ]
2501	650	Utility issue fee (or reissue)	[ ]
2502	235	Design issue fee	[ ]
2503	315	Plant issue fee	[ ]
1460	130	Petitions to the Commissioner	[ ]
1807	50	Processing fee under 37 CFR 1.17(q)	[ ]
1806	180	Submission of Information Disclosure Statement	[ ]
8021	40	Recording each patent assignment per property (times number of properties)	[ ]
2809	375	Filing a submission after final rejection (37 CFR .129(a))	[ ]
2810	375	For each additional invention to be examined (37 CFR 1.129(b))	[ ]
2801	375	Request for Continued Examination (RCE)	[ ]
1802	900	Request for expedited examination of a design application	[ ]
1504	300	Publication fee for early, voluntary, or normal publication	[ ]
1505	300	Publication fee for republication	[ ]
1455	200	Filing an application for patent term adjustment	[ ]
1456	400	Request for reinstatement of term reduced	[ ]
		Other fee (specify)	[ ]

\* Reduced by Basic Filing Fee Paid

**SUBTOTAL \$ 465.00**

SUBMITTED BY		Complete (if applicable)			
NAME AND REG. NUMBER	Jeffrey L. Ihnen, Reg. No. 28,957				
SIGNATURE		DATE	11 AUGUST 2003	DEPOSIT ACCT USER ID	02-2135